

NEW YORK HERALD

BROADWAY AND ANN STREET.

JAMES GORDON BENNETT,
PROPRIETOR.

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VOLUME XL.—NO. 92

AMUSEMENTS THIS AFTERNOON AND EVENING.

GLORIE THEATRE.
VARIETY, at 8 P. M. Matinee, 2 P. M.
SAN FRANCISCO MINSTRELS, at 8 P. M. Matinee, 2 P. M.

PARISIAN THEATRE.
VARIETY, at 8 P. M. Matinee, 2 P. M.

BOOTH'S THEATRE.
JULIUS C. SELLER, at 8 P. M. Matinee, 2 P. M.

OLYMPIC THEATRE.
VARIETY, at 8 P. M. Matinee, 2 P. M.

THIRTY-THIRD STREET OPERA HOUSE.
CALIFORNIA MINSTRELS, at 8 P. M. Matinee, 2 P. M.

WOODS' MUSICAL.
KIT, at 8 P. M. Matinee, 2 P. M.

LYCUM THEATRE.
VAUDEVILLE, at 8 P. M. Matinee, 2 P. M.

WALLACE'S THEATRE.
CAPTAIN OF THE WATCH, at 8 P. M. Matinee, 2 P. M.

TONY PASTOR'S NEW THEATRE.
VARIETY, at 8 P. M. Matinee, 2 P. M.

GERMANIA THEATRE.
DAS MAED EL OINE GELD, at 8 P. M. Matinee, 2 P. M.

BAILEY THEATRE.
VARIETY, at 8 P. M. Matinee, 2 P. M.

BROOKLYN THEATRE.
TEARS, IDLE TEARS, at 8 P. M. Matinee, 2 P. M.

UNION SQUARE THEATRE.
FERREOL, at 8 P. M. Matinee, 2 P. M.

PARK THEATRE.
BRASS, at 8 P. M. Matinee, 2 P. M.

CHICKERING HALL.
FON BULOW RECITAL, at 2 P. M.

CHATEAU HALL VARIETIES.
VARIETY, at 8 P. M. Matinee, 2 P. M.

BOWERY THEATRE.
THE WONDER LAND, at 8 P. M. Matinee, 2 P. M.

THIRTY-FOURTH STREET OPERA HOUSE.
VARIETY, at 8 P. M. Matinee, 2 P. M.

FIFTH AVENUE THEATRE.
PIQUE, at 8 P. M. Matinee, 2 P. M.

TWENTY-SECOND REGIMENT ARMY.
GRAND PROMENADE CONCERT, at 8 P. M. Matinee, 2 P. M.

TRIPLE SHEET.

NEW YORK, SATURDAY, APRIL 1, 1876.

From our reports this morning the probabilities are that the weather to-day will be partly cloudy, with, possibly, rain in the evening.

NOTICE TO COUNTRY NEWSDEALERS.—For prompt and regular delivery of the HERALD by fast mail trains orders must be sent direct to this office. Postage free.

WALL STREET YESTERDAY.—The stock market was dull, unsteady and feverish. Gold quiet at 113-7-8 a 113-3-4 a 113-7-8. Money was freely offered at 5 per cent and closed at this figure. Foreign exchange was firmer. Government bonds and investment securities were easier.

IF THE SANDWICH ISLANDS have little else to boast of they are still happy in the possession of two volcanoes in active eruption.

THE EUROPEAN MARKET SUMMARY for the week shows business inactive, with a tendency toward a decline of prices, especially in breadstuffs.

A BILLIARD MATCH, which will have interest to many of our readers, was played at Paris last night between Vignaux and Sexton, Vignaux winning.

SUPERINTENDENT CROWLEY, of the Police Telegraph, in trying to exculpate himself from loose management of his department as charged by the Coroner's jury in the case of Mrs. Rose Young, shows conclusively enough, to our way of thinking, that messages over his wires are sent in a singularly disjointed and unsatisfactory manner.

DON PEDRO II. has touched at Pernambuco on his way to this country, as appears by a special despatch to the HERALD this morning. The Emperor has now left his own dominions, and will not land until he reaches a country where every man is a sovereign.

GENERAL BANKS earned the thanks of all the strong-minded sisters of America yesterday by his speech showing that Mrs. Abigail Adams was the first advocate of suffrage for women in this country. If this fact does not give women the ballot we fear the sex will be compelled to wait another hundred years before being welcomed to the polls.

"FOREIGN COUNTRIES FOR TO SEE" is now a ruling passion with the wearers of crowns. The Emperor of Brazil is on his way to the United States; Queen Victoria goes to Germany during the present month and the Czar will be in England in a few days. In view of all this our simple-minded President must find it a hardship to be compelled to remain in the country during his term of office.

THE ASSEMBLY yesterday discussed the question of final adjournment, but the weight of opinion was against naming the 12th of April as the day. In a question of this kind there is only one rule if the true interests of the people are consulted—namely, that in adjournment there is safety. All the business necessary to be done at the present session of the Legislature can be accomplished in ten days.

WIDENING BROADWAY.—Assemblyman Whitson, who acquired unenviable notoriety in connection with the defeat of the "No Seat No Fare" bill, is adding to his unpleasant reputation by his "proposed improvement" of Broadway, between Seventeenth and Twenty-second streets. The property owners on both sides of the street are opposed to widening Broadway, because the "improvement" is not needed and would prove an injury rather than a benefit; yet Mr. Whitson, who first heard of the scheme a little over a month ago, hastened to introduce his obnoxious bill into the Assembly, and thinks it a very proper measure. When a man promotes such a measure he must not complain if honest people impugn his motives.

The Campaign for the Presidency—The Opening Shots.

The little debate between Senator Boutwell, of Massachusetts, and Senator Bayard, of Delaware, which enlivened the Senate on Thursday, has more than ordinary significance as illustrating the tenor and object of the campaign for the Presidency. Mr. Boutwell and Mr. Bayard are, perhaps, the best types of their parties now in the Senate. Mr. Boutwell, although a narrow-minded Secretary of the Treasury, is, nevertheless, an honest and well-meaning man, who retired from his office with the esteem of all parties, which we fear can be said for very few of those who have had seats in the Cabinet of Grant. Mr. Bayard is a man who, bearing an honored and illustrious name, has won universal respect. He is a prominent candidate for the Presidency—the most prominent, all things considered, now before the democratic party. Therefore a debate between Bayard and Boutwell on national politics cannot but make a deep impression upon the country at this time.

Senator Bayard, in discussing the resolution of Senator Morton in reference to Mississippi, said that tens of millions of dollars had been spent in the South by the Department of Justice in "the nefarious design of manufacturing evidence" against the Southern people, and that the "troubles" in the South were the work of detectives who had been sent there for that purpose. Furthermore, under the operation of the laws in the South in the trials of what are called the "Ku Klux cases," fines had been "wrung from the people" which Congress would be asked to pay. Mr. Boutwell sprang at the Senator in a speech of more than usual asperity, and denying that any such sum as "ten millions" had been spent in the South, said that whatever was expended had been made necessary "by the acts of the party to which Senator Bayard belonged, by their intimidation of colored people and other such deeds of violence." Senator Morton came into the debate with an ingenious intimation that perhaps Senator Bayard intended to fight the next campaign for the Presidency upon the issue of paying the Ku Klux fines—"fines," continued the Senator, with the adroitness of Mephistopheles, "which will be refunded when the democrats get control of the government." To all of which the Senator from Delaware protested that he and all his family had ever been loyal to the Union, and that whoever hinted to the contrary said "in his throat a lie."

We cannot but regret this debate on account of its effect upon the democratic party. Senator Bayard can add no honor to his name by protesting that he and his honored ancestors have always been loyal to the Union. That is time wasted just as much as if he were to defend the loyalty of Hamilton and Washington. No such issue will ever, we trust, find a place in an American Congress. But it was a mistake to invite the republicans to a discussion of the Southern question. It is fighting the republicans on their own ground. Whether right or wrong it would be profitless to inquire; but it is certain that in the minds of the great majority of the people of the North and West the Southern question and the Union are identical. We saw that in the election in New Hampshire. We may censure the demagoguery of the Andersonville speech of Mr. Blaine, but we see that, after all, that consummate and adroit politician knew his cue and spoke to the hearts of the people who are to elect the next President of these United States. We may deplore that as fine an intellect as that of Morton should be debased to the "bloody shirt" business. But the masses who follow Morton see in that unsavory emblem something more than a theme for ridicule. Even when Sheridan wrote his dreadful "bandit despatch" there were not more than three prominent republicans in this whole State of New York who, notwithstanding the unanimous censure of the press, could be found to disapprove of it. For ten years, ever since the close of the war, there have been Herculean efforts to educate the minds of the Northern people into the belief that there is really peace in the South and that troubles are the effect of demagogues and knaves. But the effort has been fruitless. Horace Greeley, with all of his influence over the republican party, the moment he attempted the task, failed, and in the failure wrought his own ruin. Therefore we may lay it down as a political axiom, which should not for a moment be forgotten by the leaders of the democratic party, that the generation which fought the war for the Union will not consent to the accession to power of any party or any leader who took part against the Union, or who would consent to a revival of the issues upon which it was fought and won. We understand and deplore the facility with which bad men have attained power under the guise of Union men suffering for the "cause." We admit everything that Senator Bayard may say about "Northern vandalism" in the South. But the fact lies clear and irremovable that upon any such issue as that which the honorable Senator challenged the Senator from Massachusetts and his party will be beaten as severely as Mr. Greeley was beaten in 1872.

Above all, what is the use of having such an issue, or of allowing ingenious debaters like Boutwell and unscrupulous partisans like Morton to drive a Senator like Bayard—who, more than any other, represents the best elements of the democracy—into a position which he cannot hold? The true line for the democratic party to take is that suggested by the extraordinary and appalling events which now startle the country. Let the battle be fought upon the issues of Grant's maladministration. Let the party trace every stream of corruption which now pollutes the country to its source, and call upon the country to rise and cleanse the source. Let the leaders begin the campaign on the violation of the constitution involved in the appointment of staff officers and not statesmen to the Cabinet. Let them show how the moral sense of the nation was degraded by the selection of worthless relations and whiskey-drinking cronies to high offices here and abroad. Let them show how the Senate degraded itself by becoming a sharer in the plunder and patronage of the Executive. Let them show how the country was parcelled out like the provinces of the ancient Roman Empire,

every State with a Senatorial proconsul—Conkling in New York, Cameron in Pennsylvania, Patterson in South Carolina, and so on until the country, so far as the patronage was concerned, is under the dominion of an oligarchy which only opposes the President when he names men for office like Hoar and Dana, supporting him in his selection of a Billings and a Delano. Let them show how investigations in the House were made impossible so long as the brothers of members were allowed to hold trade posts and rob Indians and soldiers. Let them show how scandal after scandal supervened until we had a Secretary of War at the bar of the Senate as a confessed robber and a Secretary of the Navy rapidly on his way thither for having used a million of dollars of the government money to sustain a sinking banking house in London.

Let the democrats lay down as a cardinal maxim of their canvass the necessity of one term for the Presidency and the re-establishment of the civil service. Let a Senator as brave and keen as Bayard show that the root of all these evils lies in that tendency to Caesarism which has grown out of the two term principle. Let him show how, with the re-elective principle as it now stands, we virtually offer a premium to all ambitious Presidents to do as Grant has done—namely, use the Presidency as he would have used a rebel camp, for pillage by himself and his soldiers. Let him show that the President, instead of taking the Presidency as a solemn and sacred trust, regarded it as a chance for a good time with his friends and cronies—high pay, little work, lots of fun and no questions asked, and the only care so to handle its enormous power that it might last as long as possible. Let the country be summoned, without distinction of party, to rise as one man and put an end to it all, even as in New York the people rose and put an end to Tweed and his knaveries. As to the Southern troubles, the democrats have as much to answer for as the republicans. If that question enters into the Presidency there will be little use of the democrats nominating a candidate. The way to settle the Southern question is for the North and South to meet together in a convention of peace and reconciliation, such a convention as the HERALD suggested two years ago, and would have succeeded in securing had not the madmen in Louisiana insisted upon overthrowing the government and giving Grant a chance to raise again the flag of Sumter. The democrats in Louisiana by their folly prevented that wise measure. The time has not come to renew it. Senator Bayard and his friends should not make a similar blunder at the very outset of the campaign, when the country needs harmony and peace. The only way the republicans can win is for their leaders to persuade the country that a democratic success means rebellion in the South and repudiation in the West. Such business may as well be left to old Bill Allen in the West and bold Ben Hill in the South. It is not the programme in which Mr. Bayard appears to advantage. He and his friends would be wise to avoid the snares in the future, especially when such cunning fowls as Morton and Boutwell are in the fields.

The Dead Halt in Refunding the National Debt.

Since last November no progress has been made in refunding the public debt at a lower rate of interest, and the government continues to pay the enormous rate of six per cent on about seven hundred million dollars at a time when there is such a general glut of the money market that private capitalists think themselves fortunate if they can make safe permanent investments which will yield them above four per cent. Government bonds have the great advantage over other forms of property of entire exemption from State and municipal taxation, and it is a signal proof of mismanagement that the government, whose credit is better than that of any citizen or corporation, pays six per cent on its obligations when money is lent to private borrowers at lower rates. The blame rests upon the present Congress, which is so busy with sham proposals of economy for electioneering effect that it neglects an opportunity to make an important reduction of the public expenses. If the seven hundred million dollars of six per cent bonds were refunded in four and one-half per cent bonds there would be an annual saving of ten million five hundred thousand dollars—a sum equal to the whole annual expenditures of the government a little more than half a century ago and two hundred and ten times the present doubled salary of the President of the United States. The Treasury suffers this great loss by the sheer neglect of Congress to do its duty. If it were worth while to save a few paltry thousands in the expenses of West Point and diplomatic salaries what excuse can there be for neglecting to make proper provision for the reduction of interest on the public debt?

The law of 1870, as amended in 1871, authorized the Secretary of the Treasury to sell five hundred million dollars of five per cent bonds and use the proceeds to pay the same amount of sixes; to sell three hundred million dollars of four and a half per cent bonds, the proceeds to be applied to the same purpose, and to issue four per cent bonds to redeem one billion dollars of the public debt, which would include the ten-fifty five per cents. The first branch of this process of refunding has been accomplished, the last of the authorized five per cents having been disposed of before the close of last autumn, making a saving of five million dollars a year in the interest account of the government. By the law of 1870 the new five per cent bonds had only ten years to run before becoming redeemable, and the four and a half per cents were made redeemable after fifteen years. It is well known that bonds of long date are preferred by investors, and Secretary Bristow recommended in his last annual report that the time of the four and a half per cents be extended from fifteen years to thirty years. With this change, which might be authorized by an act of Congress in five lines, Secretary Bristow had no doubt that he could go on with the process of refunding and save the Treasury one-fourth of the interest it is now paying on the six per cent bonds. But Congress has been so much occupied with spurious

schemes of economy for electioneering effect that the refunding of the national debt has been at a dead stand since last year. The time has come for a strong expression of popular indignation at such wasteful neglect and gross mismanagement.

The Silver Question.

A bill passed the House yesterday providing for the redemption of fractional currency in silver coin. It has met with considerable opposition; but the weight of argument in the debate was on the side of the advocates of the bill. We will attempt to convey in brief outline a correct idea of the state of the question.

1. There is at present lying in the Treasury, unemployed and drawing no interest, recently coined silver to the amount of fourteen million dollars, with several millions more of silver bullion which the Mint is rapidly converting into coin.

2. A large portion of the fractional currency is so worn and defaced that it cannot remain much longer in circulation, and there is a necessity for exchanging it either for new fractional currency or for silver coin.

3. The silver coin is at present worth about two cents less on a dollar than legal tender notes, so that the government would gain two per cent by paying out silver for the defaced fractional currency to the extent that it has unemployed silver already in its possession.

4. The idea that paper fractional currency costs nothing or next to nothing is a delusion. The actual yearly expense of replacing the worn-out fractional currency is nearly a million and a half of dollars, as appears by the following official statement:—

| | |
|--|----------------|
| Expense incurred by the Bureau of Engraving and Printing | \$1,032,521 20 |
| Expense incurred by the currency division, Secretary's office | 60,000 00 |
| Expense incurred by the Register's office | 58,770 00 |
| Expense incurred by the United States Treasurer's office | 131,644 00 |
| Expense of express charges of fractional currency to and from Treasurer's office | 20,151 75 |
| Total | \$1,410,746 95 |

Now, as silver coin when once in circulation does not require this heavy expense for constantly replacing it, it is evident that the government gains nothing by the substitution of paper for silver. The fractional currency wears out by incessant handling in about a year, whereas silver coin will last forty or fifty years. The government might as well pay interest on some additional silver as to incur an equivalent annual expense for replacing the defaced paper.

5. The danger that the silver coin, if put in circulation, would be melted down and exported, is fanciful. So long as the market value of silver is two per cent less than the market value of greenbacks the silver will not be bought up for exportation, because there would be no gain, but a loss. At the present price of silver gold would have to rise to 120, as estimated in greenbacks, before there would be any profit in withdrawing the silver from circulation; but gold has not been so high as 120 since 1871. There is an additional protection in the fact that the alloy in the silver coin makes its nominal value greater than that of silver bullion. California has taken four million dollars of silver coin, paying for it in gold at par, and the silver is kept in circulation on the Pacific coast in spite of its depreciated value. Every community must have money for small transactions, and so long as the amount is not excessive imperative business wants will maintain it in circulation. A silver dollar will buy as much as a gold dollar in any San Francisco shop. The silver coins would accordingly be kept in circulation in spite of temporary fluctuations in the price of silver—in communities like California by the need of small change, and in our Eastern communities by the fact that it cannot rise above the value of greenbacks without such gross mismanagement on the part of Congress as would carry gold to a higher figure than it has reached within the last five years.

An Example from Boston.

The telegraph announces that Abraham Jackson, of Boston, has been sentenced to ten years in prison. Badly informed people may jump at the conclusion that Abraham Jackson is probably a poor wretch who has stolen a ham and is now the victim of indignant justice. We have been so used to these indignant manifestations of outraged justice against ham stealers in this city that any such conclusion is natural. But it is all wrong. Abraham Jackson was a lawyer, a "good, pious man," who prayed in season and out of season. We do not know if there is a bar association in Boston, but it is certain that Abraham Jackson is a member if there is. We do not know if Boston is blessed with a reform party, but if so Abraham Jackson is sure to be a distinguished member. In fact, Abraham Jackson has been all that a lawyer could be or should be. And now he goes to State Prison!

It seems that Abraham Jackson turned out to be a false trustee. He took the money of his clients and "invested" it so badly that the clients never saw it again. We do not know how he "invested" it, whether in Pacific Mail or Union Pacific, or in any of those attractive stocks which are so tempting to trustees in New York. But the money went. What is more to be deplored the courts took an uncharitable view of what Abraham Jackson did. If he had fallen into his "misfortunes" in New York, how tenderly we all should have cared for his reputation! His name would have been kept out of the newspapers in order not to wound his "susceptibilities." If any impertinent lawyer had moved to strike his name from the rolls the Supreme

Court would have denied the motion as promptly as it denied the motion to strike off the name of one of the founders of our Bar Association. If he had preferred a trip to Europe to ease his "tired brain" he would have been escorted to the steamer with flowers and music, and his partners and friends would have deluged the newspapers with interviews and explanations, as was the case when an unfortunate fellow citizen found it necessary to go to Europe so hurriedly a few days ago. More than all, Abraham Jackson would have been the theme of special prayer by fellow Christians. But in cold, selfish Boston—always narrow and ungenerous Boston—Abraham Jackson was sent to jail. There is this consolation, however, which we advance for the benefit of our brethren of the Bar Association, that only in the State which hanged the Salem witches would a citizen as eminent and unfortunate as Abraham Jackson have been sent to jail for a breach of duty as a trustee.

And yet, after all, we think the place for Abraham Jackson is in jail. It is hard to speak so harshly of a Christian and learned man like Abraham Jackson, but the offense of which he was convicted has become so common these latter years that the time has come for severe punishment. The lawyer who proves false to his trust, and in doing so brings misery and poverty to trusting clients by squandering the money left to his care, commits a despicable crime. He is a robber of the poor—a plunderer of the widow and the orphan. It is a crime for which there can be no excuse. We may say that bad investments are made through errors of judgment. Very true. If a lawyer takes his own money and so "errs in judgment" as to invest it in some of Jay Gould's wildcat stocks, or in Georgia and North Carolina bonds, or in General Schenck's mining shares, it is his own risk. If he loses the money it is his own matter wholly, and no one will quarrel with him. But when it comes to investing the property of wards and clients in the hope that the trustee may have some personal gain while "turning the investments over," there cannot be too severe a punishment. Nothing is easier than to make these investments sure. We have government securities of our own, and of France and England, good trust companies, approved by the laws, and mortgages on real estate not too large for safety. The handling of such a trust is as easy as the multiplication table; so there is no possible excuse for such a crime as Boston has punished in Abraham Jackson, and which we trust to see New York punish some of these days in the person of one of our false trustees. Justice will be better administered if for once we send the poor ham stealer off to Europe with music and flowers and the false trustee to Sing Sing for ten years.

Judicial Responsibility.

Judges themselves as well as the public will doubtless watch with peculiar interest a case now before the Supreme Court here in which a judge is the defendant, and is sued for damages resulting from action taken by him on the bench which is held to have been without warrant of law. One of the theories of governments like ours is that the people are subject to the law and not to the officers of the law, and that if the officers of the law endeavor to inflict their will on the people in the guise of sentences or judgments or other judicial acts they are only safe in so far as their will precisely coincides with the law, and that if they err it is at their own peril; that where the law and their will are not one and the same if they do not prefer the law their act is the same as any other assault, and they are responsible for the damage that may follow. This principle is before the Court in the case referred to. For certain offences the law authorizes a penalty of one year's imprisonment or a fine of two hundred dollars, and leaves it to the discretion of the Judge which one of these two shall be imposed. In a case under that class Judge Benedict, of the United States Court, imposed both penalties. The culprit paid his fine and came out of prison on the writ of habeas corpus, whereupon the Judge "annulled" his first sentence and sentenced the culprit to a year's imprisonment without fine. On appeal to the Supreme Court the Judge's nullification theory was not respected, and it was decided that his power was exhausted by the first sentence, and that the subsequent action was consequently extra judicial. Thereupon the culprit sued the Judge for damages for his imprisonment by the second sentence. One decision on this suit has already been given against the Judge, and the present trial is an appeal from that. It is a misfortune to society when the Bench is caught in such a position that a convicted criminal can have what looks like a fair case against a judge for acts done presumably in the legitimate discharge of judicial functions.

THE ROYAL TITLES BILL, by which the Queen of England is to be invested with the dignity of Empress of India, is provoking a good deal of opposition, and the Times opposes it partly because it creates dissatisfaction and partly for the reason that there are no young men in the liberal party of sufficient ability and experience to be intrusted with the administration of the government. Even in England the race of statesmen is dying out, and the reins of power are about to pass into the hands of men "chiefly remarkable for immaturity of mind, which threatens never to ripen."

THE WORCESTER DAM DISASTER has not resulted in as serious damage as was anticipated; but the loss of three lives, the destruction of considerable property and the interruption of travel on one of the great highways of the country are enough to suggest the necessity of a rigid inquiry into the responsibility for the insufficiency of the work. It was a calamity that ought not to have occurred at all, and it would not have occurred if the Mill River warning had been allowed to have its proper effect.

CUBA is becoming more and more unhappy, the latest hardship being a decree which establishes an income tax of thirty per cent. No people can suffer such extortion and prosper; but the mere fact that the government is reduced to the extremity of making the demand shows that the end is near.

The Governor and the Marine Court.

In another column will be found the unanimous opinion of the five Judges of the Marine Court, by which they refuse to assign Mr. Sinnott to a place on their Bench, on the ground that his appointment by the Governor, without the advice and consent of the Senate, is not a compliance with the law of the State for the appointment of judges in that court, and would not justify them in taking any action which must assume that that gentleman is a properly appointed Judge. This was the only course open to the Judges in the honest discharge of their duty. This appointment is a transparent piece of political trickery. It was provided by a law of 1852 that vacancies in the Marine Court should be filled in the same way as in the Superior Court, and the constitution provides for these. But the Governor refused to act under the constitution. He resorted to the statute which provided for filling of vacancies in the Superior Court at that time—the statute of 1847—which reads thus:—

"At the general election next preceding the time at which the term of office of any such justice or judge shall expire there shall be an election to fill such vacancy; and if a vacancy shall occur at any time in the office of any such justice or judge before his term shall have expired, by death, resignation, removal or otherwise, then such vacancy shall be filled for the residue of the unexpired term at the next general election after the vacancy shall occur."

There is the law as plain as words can make it. Vacancies like the present "shall be filled at the next general election after the vacancy shall occur," even if that old statute is taken instead of the constitution. Here, therefore, the Governor puts down the law, winks his eye and begins to chop logic. Here, he says, we have "three classes of vacancies." Any honest man can see that there are only two—one caused by expiration of term and one caused by death or other cause before the expiration of the term. But the filling of these is provided for, and if the Governor cannot find a third sort the several parts of his game to cheat the law will not connect. In his statement of this point, which is the corner stone of his position, let us give his own words. He says, as to the section of law just quoted:—

"There are three classes of vacancies: first, those made by the expiration of term, in which case an election for the full term fills the vacancy; second, a vacancy created by death, resignation, removal or other cause before the term has expired, in which case the vacancy is to be filled by election at the next general election for the residue of the unexpired term; and third, a vacancy previously unknown to the constitution and laws, resulting from the adoption of the new system of election—that is, the vacancy for a fractional portion of the unexpired term between the happening of the event creating the vacancy and the commencement of the political year next succeeding the first annual election thereafter."

Was there ever a more gratuitous piece of haggling with the plain meaning of a law than this distinction of a third species of vacancy from the two vacancies contemplated by the statute? The second is "a vacancy created by death or other cause before the term has expired," and is "to be filled by election;" the third is a vacancy for a period of time between the death which creates the vacancy and the election at which the vacancies of the second species are to be filled. Having thus, as he assumes, found a vacancy for filling which the statute of 1847 does not provide, he immediately applies to the case the statute of 1849 for filling vacancies not otherwise provided for, and that gives him the power of appointment.

It need scarcely be said that this "species of vacancy" to which the Governor wrests the statute of 1849 exists only in his imagination, and the fact that the law of 1847 did not provide for filling any third species of vacancy is the strongest evidence against the Governor's position. Such a method of interpretation is to take the implications of a law against its evident intention and give the greater authority to the implication, which is not only bad law but dishonest administration. It is a pleasant surprise to find the constitution and the law effectually defended by resistance in a minor court of this city when trampled upon in the Executive chamber.

The Democratic Line of Attack.

If the democratic leaders are wise they can win the next campaign for the Presidency; but they must not allow the party to be managed by dunces or rebels or demagogues, who see in its success opportunity to give life to those schemes of repudiation and national dishonor in which it has trafficked for so many years. The efforts of one man like Mr. Hill, of Georgia, will hinder the party and throw the government into the hands of those republicans from whom it is now suffering. These are the mistakes democrats should avoid. Take what we have seen in Louisiana and in Mississippi as illustrations of what may ensue if folly is allowed to prevail. In Louisiana we had a movement to impeach Kellogg which for knavery could not have been equalled in a Tammany Convention in the best days of Tweed. Here in Mississippi we have a transaction even more equivocal. A democratic Senate impeached Governor Ames of "high crimes and misdemeanors," puts him on trial, sets a day for the investigation, hears his answer, and then, upon an assurance that he would resign, withdraws its articles, accepts his resignation and permits one of its members to become Governor. This whole business is not only in violation of the letter of the constitution but of its spirit. If Ames was guilty of the crimes charged against him he should have been punished; if not, he should have been acquitted. It looks like an attempt to govern the Southern States by force whether right or wrong, and suggests that wherever there are democratic victories we shall have the pronouncements which have become so famous in Central American politics.

These and kindred blunders must not be repeated. The democrats must open their line of attack on the "one term" reform in the government, purification in office, economy in the public expenditures, civil service. Governor Tilden has shown in New York what a party resolved to win can really do when it makes up its mind. Let the democrats follow the Tilden path to victory. Here are the manifest shortcomings of the democratic party awaiting censure and punishment. In the beginning was the appointment of men to the Cabinet who were staff officers and not statesmen. Then came the interference in the South, the selection of men to important offices who were relatives of the President and his family, the St. Domingo scheme, with the proscription visited upon